



**CITY OF SUNNYVALE
REPORT
Planning Commission**

January 10, 2005

SUBJECT: **2004-0922 - Ramasatya K Rao** [Applicant] **Jimmy R Chitwood Trustee** [Owner]: Application for a Use Permit on a 6,598 square foot site located at **717 Old San Francisco Road** in an R-0 (Low-Density Residential) Zoning District. (APN: 209-17-045)

Motion **Use Permit** to allow a large family day care to be located within 300 feet of an existing large family day care, for up to 14 children.

REPORT IN BRIEF

Existing Site Conditions Single-family home with existing unpermitted large family day care center.

Surrounding Land Uses

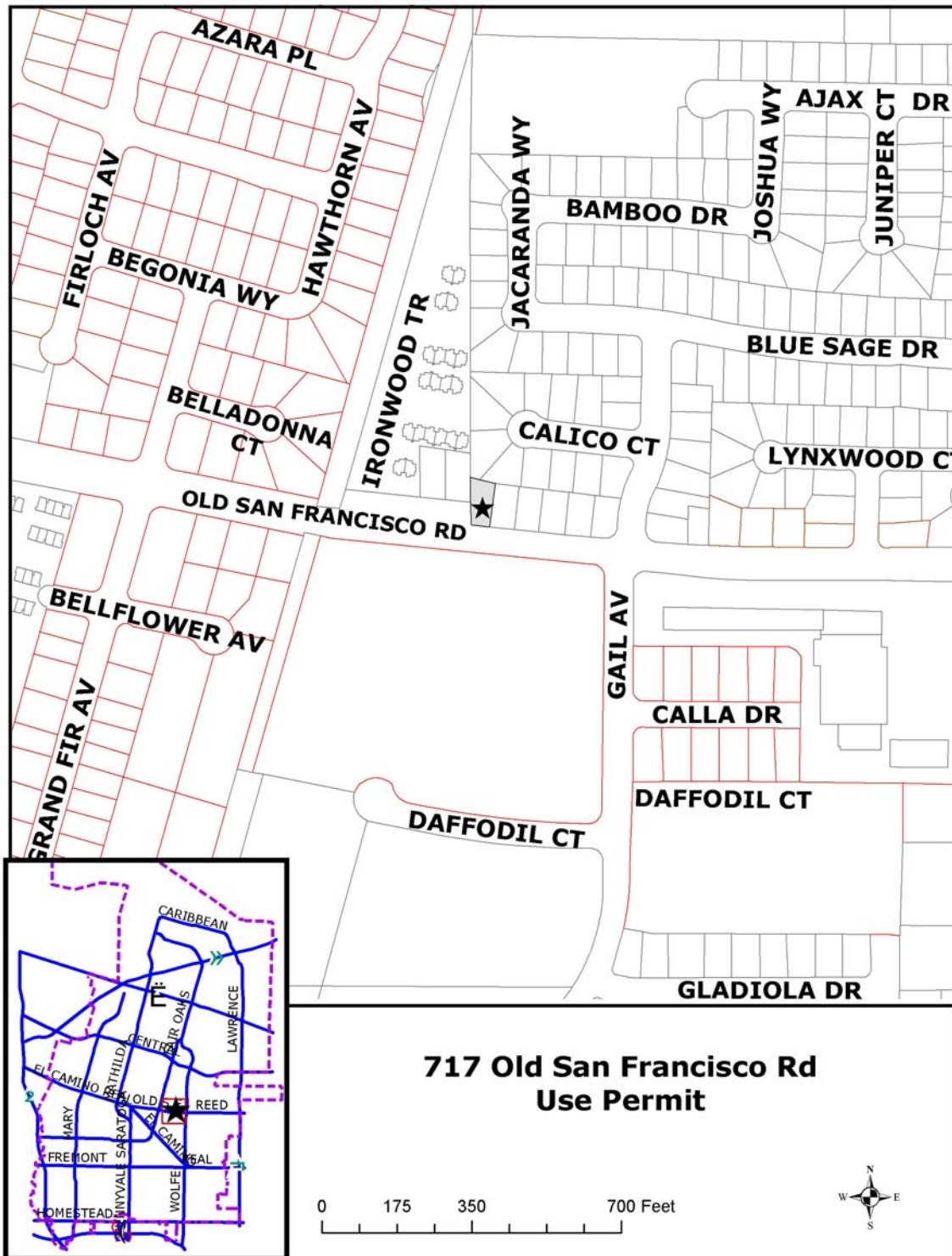
North	Single-family residential
South	Multi-family residential
East	Single-family residential
West	Single-family residential

Issues Compatibility of Use with Neighborhood

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City guidelines.

Planning Commission Action To be determined

Staff Recommendation Approve



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	RLO, Low Density Residential	Same	Same
Zoning District	R-0	Same	Same
Lot Size (s.f.)	6,598	Same	6,000 min.
Gross Floor Area (s.f.)	1,969	Same	2,639 max.
Lot Coverage (%)	30%	Same	40% max.
Floor Area Ratio (FAR)	30%	Same	45% max. without PC review
Parking			
• Total Spaces	2	Same	2 min.
• Covered Spaces	2	Same	2 min.

ANALYSIS**Description of Proposed Project**

The applicant has established a large family day care within an existing single-family home. There is currently another large family day care home located two homes away at 721 Old San Francisco Road. The Code prohibits the establishment of a large family day care home within 300' of another similar use (Section 19.58.020) without approval of a Use Permit by the Planning Commission. The applicant is seeking approval of a waiver of this requirement.

Background

Previous Actions on the Site: The applicant received a permit from the State Department of Social Services for a large day care center on July 29, 2004. The applicant received City Fire Services sign-off on August 29, 2004, but did not obtain planning approval. Neighborhood Preservation received a complaint on October 29th about the use, after which time the applicant filed the subject application. There are no other previous actions on site.

File Number	Brief Description	Hearing/Decision	Date
None	None	None	None

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes in use.

Use Permit

Use: The Use Permit is required in order to grant a waiver to the limits in the placement of a large family day care (LFDC) home within 300' of an existing LFDC home. The applicant has a State license for either 12 children with no more than 4 infants or 14 children when 2 children are at least 6 years of age and with a maximum of 3 infants. The LFDC home is operated by the owner of the residence along with one assistant. The hours of operation are from 8:00 a.m to 6:00 p.m. Monday through Friday.

Site Layout: The LFDC use will occur within four rooms in the house, along with the outside area in the rear yard. There is no obvious presence of the LFDC use when the home is viewed from the street.

Parking/Circulation: The site is part of a diverse neighborhood along Old San Francisco Road. Immediately adjacent to the subject property are existing single-family homes, while across the street are the Renaissance Apartments. A shopping center is located approximately 500 feet east of the property. Old San Francisco Road is a well-traveled road with on-street parking, marked bike lanes and two lanes of traffic.

The LFDC use allows parents to drop off their children anytime throughout the day during the stated business hours. It is not the same as a school which has regular start times.

The applicant maintains 2 covered parking spaces and 2 uncovered spaces. The LFCD can use on-street parking or the driveway for dropping off their children. With two LFDC facilities located 50' of each other, competition for curb side drop-off space may cause an inconvenience for neighboring properties. Staff is not aware of any parking problems this may have caused to date.

Noise: The potential noise impacts on the surrounding neighborhood caused by having up to 28 children being cared for in two homes in close proximity to each other could be an issue. The 300 foot requirement was established partially to protect property owners from the undue concentration of LFDC uses and the noise associated with those uses. Staff has not received any complaints from the neighbors about the noise levels. The Code does not

address day time noise not caused by machinery such as compressors or air conditioner units.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 347 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Staff has also received two written comments from the public, both opposing the project. One comment was from the nearby permitted LFDC operator at 721 Old San Francisco. His concerns related to parking issues and the affect of another LFDC so close to his business. The second comment stated that one LFDC per neighborhood should be sufficient.

Conclusion

Compliance with Development Standards and Expected Impact on the Surroundings: The following section of the Sunnyvale Municipal Code applies to the proposal:

19.58.070.b.1- *The Planning Commission may grant a waiver and associated use permit upon finding that a waiver would not be detrimental or injurious to the property or improvement, or uses in the immediate vicinity.*

Although the project is located in close proximity to an existing LFDC, the impact on the area is lessened because of the multi-family apartments and commercial uses located nearby. Old San Francisco Road is not a typical residential street but is a designated Residential Collector road with on-street parking and designated bike lanes. The existing uses along Old San Francisco Road reduce the impact of a second LFDC on the area.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Finding based on the justifications for the Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letters from Other Interested Parties

Recommended Finding - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Sub-Element

N1.4.3 – *Encourage and support home businesses that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood.*

Housing and Community Revitalization Sub-Element

C.6.a – *Continue to implement the home occupation regulations that allow businesses that do not affect the primary residential character of the neighborhood and that do not involve retail sales, large inventories, hazardous materials, or traffic or parking problems. Such businesses may not be operated in the yard or garage.*

Finding: The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity. The large family day care facility would not negatively affect the neighborhood because it provides a service to the community, does not have an impact on the appearance of the neighborhood and adheres to regular business hours. The area includes single-family, multi-family and commercial uses along a City Residential Collector street.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- E. The use shall be limited to the hours between 8:00 a.m. and 6:00 p.m. from Monday through Friday.

2. PARKING

- A. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.